REMARKS

Claim Status

Claims 11-16 and 18-24 are pending in the application. Claim 15 has been amended by this paper. Claim 17 has been canceled without prejudice or disclaimer. Claims 11, 15, 19, and 22 are the independent claims of the application.

Art Rejections

The Office Action rejected claims 11-14 under 35 U.S.C. §103(a) as being unpatentable over purportedly admitted prior art in view of Wager *et al.*, U.S. Patent Number 6,519,223 ("Wager" hereinafter). Claims 15-24 were rejected under 35 U.S.C. §103(a) as being unpatentable over purportedly admitted prior art in view of Miller *et al.*, U.S. Patent Number 6,247,058 ("Miller" hereinafter). Based on the above amendment and the reasons set forth below, we respectfully traverse the rejections and request reconsideration.

In rejecting independent claim 11, the Office Action cited Wager, Figures 3-5, and column 5, line 18 through column 7, line 54, as teaching the limitation of discarding all received data fragments of the datagram upon detection of receipt of an overlapping data fragment having the IP identification number, wherein the overlapping data fragment overlaps data in an already-received data fragment. The undersigned attorney has reviewed the cited Figures and text of Wager, but has not identified any teaching of discarding data fragments based on receipt of an overlapping data

fragment. Instead, it appears that discarding made in Wager is based either on data errors or on timeouts, *i.e.*, timer expirations. See, for example, Wager, the Abstract (last 5 lines); *id.* Figure 4, blocks 435, 440, and 445; *id.* col. 2, 42-56; *id.* col. 4, lines 38-40; *id.* col. 5, lines 19-23; *id.* col. 5, line 57 through col. 6, line 1; *id.* col. 6, lines 13-21, 34-40, and 52-60; *id.* col. 7, lines 14-21 and 39-42.

The undersigned attorney has not discerned in Wager any teaching of detecting the receipt of an overlapping data fragment, and discarding the received data fragments having the same IP identification number. At least for this reason, we believe that independent claim 11 is patentable over Wager in combination with the purportedly admitted prior art.

In rejecting independent claim 15, 19, and 22, the Office Action cited Miller, at column 11, line 34 through column 12, line 28, as teaching the limitations of these claims that are not found in the purportedly admitted prior art. Claim 15, as amended, recites the step of dynamically reducing a timeout for reassembling the datagrams to less than a standard timeout based on NFS data for round-trip times between a sending station and a receiving station. (The limitations added to claim 15 were previously found in the original claim 17, which claim consequently has been canceled.) The undersigned attorney has reviewed the cited portion of Miller and the remainder of that document, but has not identified disclosure of dynamically reducing a timeout for reassembling based on NFS data for round-trip times. We respectfully submit that this teaching is not found in Miller. At least for this reason, amended claim 15 is believed to be patentable over Miller in combination with the purportedly admitted prior art.

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Claim 19 recites the step of reducing a remaining time for reassembling upon detection of a gap in the received data fragments. In accordance with claim 22, remaining time for reassembling the first datagram is reduced upon detection of a data fragment of a second datagram having the protocol identification number and the source address of the first datagram. The undersigned attorney has reviewed Miller, and particularly the portion cited in the Office Action, but has not found any disclosure of (1) detecting a gap in the received data fragments of a datagram, or (2) detecting a fragment of a second datagram with the same protocol identification number and source address as the first datagram. It appears that such teaching is absent from Miller. At least for these reasons, we believe that claims 19 and 22 are patentable over Miller and the purportedly admitted prior art.

The above discussion addresses patentability of all independent claims over the references of record. As regards the dependent claims not specifically discussed herein, these claims are patentable together with their base claims and intervening claims, if any.

CONCLUSION

For the foregoing reasons, Applicants respectfully submit that all pending claims are patentable over Wager and Miller. To discuss any matter pertaining to the present application, the Examiner is invited to call the undersigned attorney at (858) 720-9431.

Having made an effort to bring the application in condition for allowance, a timely notice to this effect is earnestly solicited.

Respectfully submitted,

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